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James P. Rooney, Esquire  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278

RE: SCP Site Located in Carlstadt,  
New Jersey

Dear Jim:

As you know, PRPs are scheduled to commence drilling the bedrock well to be located on the property presently owned by Inmar Associates Inc. as well as shallow and till aquifer wells located on property either adjacent to or across the road from the Inmar property. The State of New Jersey has requested that permits be secured for the drilling of each of these wells. It is our understanding that pursuant to 42 USC 9621(e)(1) and 40 CFR 300.68(a)(3) well drilling permits from the State of New Jersey are not required to either (1) construct bedrock wells on the property owned by Inmar, or (2) construct shallow or till aquifer wells on the property adjacent to or across the street from the Inmar property. In order to comply with timely requirements, the SCP/Carlstadt Group would request that the Environmental Protection Agency, before December 19, 1988, submit a written statement to the PRP Group as to whether or not State well drilling permits are required pursuant to SARA and Agency Guidance for the bedrock and shallow and till monitoring wells to be constructed.

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COHEN, SHAPIRO, POLISHER, SHIEKMAN AND COHEN

James Rooney, Esquire  
December 12, 1988  
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I would refer you to the second paragraph on page 1-3 of the August 8, 1988 EPA "CERCLA Compliance with Other Laws Manual":

"CERCLA Section 121(e) provides that no Federal, State or local permit shall be required 'for the portion of any removal or remedial action conducted entirely on site,' when the action is selected and carried out in compliance with the cleanup standards requirement in Section 121. EPA interprets 'on-site' to include the 'areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action.' As a matter of policy, this definition would be implemented with certain limitations. Generally, best professional judgment should be used to determine that the area is within 'very close proximity' to the contamination and is necessary for implementation of the portion of the response action addressing the nearby contamination."<sup>6</sup>

I would request that the Agency immediately review the location of the bedrock, shallow and till aquifer wells to be installed and state whether in the Agency's "best professional judgment" these wells are within 'very close proximity' to the contamination and are therefore exempted from the normal permit requirements of the State of New Jersey.

I would appreciate it if you could submit your conclusion in writing to me no later than December 16, 1988. Perhaps you could provide a telecopy on that date with the original to follow by regular mail.

Yours very truly,

*W. L. Warren*

William L. Warren

WLW:np

cc: Mr. Raymond Basso  
Ms. Janet Feldstein  
Mr. James Schmidtberger

<sup>6</sup> Federal, State, or potentially responsible parties undertaking removal or remedial action under CERCLA Section 104, 106, or 122 are covered by the Section 121(e) permit exemption.

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